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9 Deposit Insurance Corporation as  
10 Receiver for Home Savings of America

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13 **UNITED STATES DISTRICT COURT**  
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15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **FEDERAL DEPOSIT INSURANCE**  
17 **CORPORATION as Receiver for**  
18 **HOME SAVINGS OF AMERICA, a**  
19 **federal savings and loan association,**

20  
21 **Plaintiff,**

22 **vs.**

23 **MICHAEL FORD, an individual;**  
24 **WHOLESALE MORTGAGE**  
25 **LENDERS, INC., a dissolved**  
26 **California Corporation, LAN TRAN,**  
27 **an individual; KEN J. PITTMAN, an**  
28 **individual; SPENCER SMITH, an**  
**individual; MARK BERCHEM, an**  
**individual; DAVID CASPILLO, an**  
**individual; JON KAPLAN, an**  
**individual; RANDALL FARR, an**  
**individual; JIM KASPARI, an**  
**individual and DOES 9 through 20**  
**inclusive,**

**Defendants.**

**Case No: C12-03032 RS**

**STIPULATION OF DISMISSAL and**  
**~~proposed~~ ORDER**

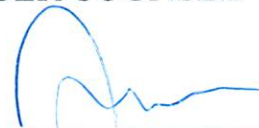
Plaintiff FDIC as Receiver for Home Savings of America and defendants Lan Tran, Ken J. Pittman, Spencer Smith, and David Caspillo hereby stipulate and agree, through their respective counsel of record, that:

1 (1) This action shall be dismissed with prejudice pursuant to Fed. R.  
2 Civ. P. 41(a)(1)(A)(ii); and  
3

4 (2) Each party shall bear his, her, or its own attorney's fees and costs.  
5


6 DATED: October 17, 2012

LEADER COUNSEL

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9 Jon M. Leader  
10 Attorneys for Plaintiff FDIC as Receiver  
11 for Home Savings of America  
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13 DATED: October 17, 2012


CROWLEY & BRERETON

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15 Brad C. Brereton  
16 Attorneys for Defendants Lan Tran, Ken J.  
17 Pittman, Spencer Smith, and David Caspillo  
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21 **ORDER**

22 This Stipulation of Dismissal is hereby adopted by the Court and the matter  
23 dismissed per the Stipulation.

24 Dated: 10/17/12

25   
26 U.S. District Court Judge  
27  
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